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SUBJECT: HUMAN RIGHTS DEFENDERS CRITICIZE MINISTER OF GOVERNMENT

REF: A. GUATEMALA 45
¶B. GUATEMALA 17

Classified By: Ambassador Stephen McFarland for reasons 1.4(b,d).

¶1. (C) Summary: During a January 22 lunch with the Ambassador, human rights defenders criticized President Colom's decision to replace former Minister of Government Jimenez with Salvador Gandara, whom they accused of complicity in social cleansing killings during his tenure as Mayor of Villa Nueva. They lamented the likelihood that the country's security environment would further deteriorate under Gandara's tenure. The human rights groups also questioned the public's tendency to place blame solely on the National Civil Police for the country's high levels of corruption and violence while ignoring the roles of the Attorney General's Office, the military, and the Judiciary. The group expressed its collective frustration with the government, and offered the Ambassador its views on how to improve Guatemala's growing insecurity. End Summary.

Discontent Over Minister of Government

¶2. (C) On January 22, the Ambassador hosted a lunch with human rights defenders to gauge their views on human rights, security, and the newly named Minister of Government Salvador Gandara (Ref A). The group of influential human rights leaders unanimously expressed disappointment over Colom's decision to replace former Minister of Government Francisco Jimenez with Gandara, whom they referred to as "The Triggerman" for his alleged involvement in human rights abuses committed by the National Civil Police (PNC) in Villa Nueva during his tenure as mayor (Ref B). In response to the Ambassador's inquiry, however, the group did not offer evidence that Gandara was complicit in extrajudicial killings.

¶3. (C) The Ambassador noted that former Minister Jimenez' tenure had been short on operational achievements. Gandara had a well-earned reputation for achieving operational results and historically has cooperated well with the USG, especially in counternarcotics efforts. The Ambassador noted that there were rumors that he had asked for Jimenez' removal. He said that no one in the Embassy had asked the President to remove Jimenez, nor asked that Gandara be appointed in his place. We were eager to work with Gandara on the full range of security issues, not just counternarcotics. We would continue to insist that GOG responses to the security crises be carried out with respect for human rights. At the same time, we would work with Jimenez in his new role as National Security System coordinator.

¶4. (C) The group lamented that Guatemala has become a narco-state where organized crime has undermined the government's ability to provide adequate security for its citizens. According to Nery Rodenas, Executive Director of the Archbishop's Office on Human Rights, organized criminal groups have utilized measures such as paid campaigns on radio

and in print media to recruit members, while the GOG has not attempted to combat this trend. Iduvina Hernandez, Executive Director of the NGO Security in Democracy, stated that while Guatemala suffered from weak state institutions and corruption under Jimenez, under Gandara the country would "fall over a precipice."

15. (C) Human rights defenders also offered a word of caution regarding the election of the presidents of the Supreme Court and the Institute of Public Criminal Defense (IDPP) in the upcoming months. According to Mario Polanco, Director General of the NGO Mutual Support Group, these elections could be a further indication of corruption in the government, depending on the individuals chosen. (Note: While the process to elect the president of the Supreme Court began on September 30 of last year, the Supreme Court has been unable to obtain the nine out of 13 votes required for the presidency, and current IDPP Director Blanca Stalling was accused of nepotism during a hearing in Congress in January 2008. Some observers suggest that the potential for looting the judiciary's coffers is at the heart of the Supreme Court dispute. End note.)

PNC Does Not Deserve All the Blame

16. (C) Human rights defenders questioned the public's tendency to allocate blame for the country's high level of corruption and increasing level of violence solely on the PNC and by extension the Ministry of Government, with little recognition of the high level of corruption among prosecutors and judges. According to Helen Mack, Director of the Myrna Mack Foundation, while the PNC's Office of Professional

GUATEMALA 00000099 002 OF 002

Responsibility (ORP) investigated claims of wrongdoing against 68 police officers in 2008, the Public Ministry (Attorney General's Office) and the Judiciary have not conducted any investigations of wrongdoing against prosecutors or judges. (Note: According to the PNC, the ORP investigated 185 PNC officers for wrongdoing in 2008. End Note.) The group underscored the need for internal investigations and dismissals, if appropriate, of members of the Public Ministry and the Judiciary.

17. (C) Polanco decried low salaries for PNC officers and said the organization dedicates inadequate resources to employees, which may make some employees more susceptible to corruption.

Polanco highlighted, for example, that military hospitals equipped to provide services for 30 patients are often under-utilized and in some cases only have two patients at a time, while hospitals reserved for PNC officers are under-funded, often exceed capacity, and do not provide adequate services.

How to Make Things Better

18. (C) In spite of the pessimism regarding Gandara, Guatemala's weak state institutions, and the increasing level of violence, human rights defenders offered three suggestions on how to best improve the country's current insecurity and corruption: enforcing the organized crime law's wiretapping provision, strengthening the Public Ministry's witness protection program, and moving sensitive cases involving organized crime from the interior of the country to Guatemala City, where members of the Judiciary are better protected. Mack urged the U.S. to utilize whatever tools it had, including the revocation of U.S. visas, to punish former and current officials--regardless of rank--who are known to be involved in drug trafficking, organized crime, and other illicit activities. Mack also asked us to get Gandara to reverse what she saw as a decision to reduce staffing of the Human Rights Office at the Ministry of Government (the Ambassador and DEA country attache did so the next week, and the office has been restaffed).

Comment

¶9. (C) Mack and other influential human rights defenders had a key role in Colom's choice of Jimenez as the former Minister of Government. They view Jimenez' removal as an indication of their loss of influence over the current administration and Colom's rejection of their counsel. Their discontent with Gandara is therefore not surprising.

Guatemala's human rights community is keen on denouncing Gandara as a human rights abuser, but has not yet produced evidence to make its case. While it is true that public discourse often emphasizes corruption in the PNC, corruption clearly extends to the Public Ministry and the Judiciary as well.

¶10. (C) The meeting with these human rights defenders underscores the need to a) have the Embassy serve as a bridge between them and the new GOG security officials, and b) continue our efforts to ensure that security efforts are conducted within the law and with respect for human rights.

McFarland